

**IEEE-SA STANDARDS BOARD PATENT COMMITTEE (PatCom)**  
**APPROVED MINUTES**  
**8 September 2011**  
**Seoul, South Korea**  
**4:00 p.m. – 4:45 p.m.**

Members Present:

Bob Grow  
Jim Hughes  
John Kulick, Chair

Members Absent:

Dick DeBlasio  
Jon Rosdahl  
Susan Tatiner, Non-voting

IEEE Outside Legal Counsel:

Claire Topp – Dorsey & Whitney

Guests:

Rich Hulett  
Bruce Kraemer  
David Law  
Hung Ling  
Steve Mills  
Ted Olsen  
Howard Wolfman  
Don Wright

Staff:

Bill Ash  
Karen Evangelista  
Mary Ellen Hanntz  
Karen Kenney  
Soo Kim  
Bob LaBelle  
Karen McCabe  
Dave Ringle, Administrator  
Sue Vogel  
Lisa Yacone

**1 CALL TO ORDER**

Chair Kulick called the meeting to order at 4:04 p.m. There was a round of introductions by all present.

**2 APPROVAL OF AGENDA**

There was a motion to approve the agenda. The motion was unanimously approved.

### **3 APPROVAL OF 14 JUNE 2011 PatCom MEETING MINUTES**

There was a motion to approve the previous meeting minutes. The motion was unanimously approved.

### **4 ADMINISTRATIVE STATISTICS**

- a) Number of LoAs Received and Posted
- b) Number of Requests for LoAs

Dave Ringle reported that there were 15 LoAs received that were accepted and posted.

Dave reported that 0 requests were received since the June 2011 PatCom meeting.

### **5 OLD BUSINESS**

#### **5.1 Proposed Changes to SASB OpMan RE: Public Notice – HoSang**

There was a motion to forward the wording changes [below] to the Standards Board for an approval vote. The motion was unanimously approved.

“IEEE-SA Standards Board Operations Manual

##### **6.3.1 Public notice**

The following notice shall appear ~~in all draft and approved IEEE standards when the IEEE receives assurance from a claimed patent holder or patent applicant prior to the time of publication that a license will be made available to all applicants either without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination.~~

Attention is called to the possibility that implementation of this standard may require use of subject matter covered by patent rights. By publication of this standard, no position is taken ~~by the IEEE~~ with respect to the existence or validity of any patent rights in connection therewith. ~~If a~~ A patent holder or patent applicant has filed a statement of assurance ~~via an Accepted Letter of Assurance, then the statement is listed on the IEEE-SA website <<http://standards.ieee.org/about/sasb/patcom/patents.html>>, that it~~ Letters of Assurance ~~may indicate whether the Submitter is willing or unwilling to~~ grant licenses under ~~these~~ patent rights without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination to applicants desiring to obtain such licenses. Other

Essential Patent Claims may exist for which a ~~statement Letter~~ of ~~a~~ Assurance has not been received. The IEEE is not responsible for identifying Essential Patent Claims for which a license may be required, for conducting inquiries into the legal validity or scope of Patents Claims, or determining whether any licensing terms or conditions provided in connection with submission of a Letter of Assurance, if any, or in any licensing agreements are reasonable or non-discriminatory. Users of this standard are expressly advised that determination of the validity of any patent rights, and the risk of infringement of such rights, is entirely their own responsibility. Further information may be obtained from the IEEE Standards Association.

~~If the IEEE has not received Letters of Assurance prior to the time of publication, the following notice shall appear:~~

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~~or validity of any patent rights in connection therewith. The IEEE is not responsible for identifying Essential Patent Claims for which a license may be required, for conducting inquiries into the legal validity or scope of Patents Claims or determining whether any licensing terms or conditions provided in connection with submission of a Letter of Assurance, if any, or in any licensing agreements are reasonable or non-discriminatory. Users of this standard are expressly advised that determination of the validity of any patent rights, and the risk of infringement of such rights, is entirely their own responsibility. Further information may be obtained from the IEEE Standards Association.~~

**RATIONALE:** The intent of the change is to avoid the possibility of the incorrect statement appearing in a standard. This may be due to miscommunication about whether an LoA is accepted, timing of the receipt of a patent LoA where an LoA is received after approval of the standard, or misunderstanding by implementers as to whether or not they should refer to the patent listing for LoAs. These changes make clear the duty of the IEEE with regard to the LoAs it receives, and the duty of implementers to refer to the listing.”

## **5.2 Update on FTC Workshop – Topp**

Claire Topp, IEEE Outside Legal Counsel, reported. Claire stated that Michael Lindsay [IEEE Outside Legal Counsel] attended the FTC workshop in Washington, DC, in June. The title of the event was ‘Workshop to Explore the Role of Patented Technology in Collaborative Industry Standards’. In addition, the IEEE submitted written comments to the FTC [See <http://www.ftc.gov/os/comments/patentstandardsworkshop/>].

## **5.3 Update on EC Workshop – Kulick**

Chair Kulick reported. He noted that David Law had indicated his willingness and availability to attend the EC/EPO meeting on 24 November.

## **5.4 Update on Patinex 2011 – Kulick**

Chair Kulick reported. He stated that Patinex is the Patent Information Exposition. The subject this year was ‘U.S. IP Information from A to Z’. There was not much correlation to standards at the event. But, some IEEE-SA volunteers were able to meet with representatives from KIPO and KIPI during the exposition.

## **6 NEW BUSINESS**

### **6.1 Update on Nortel Patent Auction – Kulick**

Chair Kulick reported.

## **7 NEXT MEETING**

The next PatCom meeting will be Monday, 5 December 2011, in Piscataway, New Jersey, USA.

## **8 ADJOURNMENT**

There being no further business, the meeting was adjourned at 4:31 p.m.